

# **EXHIBIT 7B**

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1 A Juanlyn Williams.  
 2 Q When did Juanlyn Williams tell you to log  
 3 into the computer systems prior to logging into the  
 4 phones?  
 5 A At the beginning of our shifts. She told  
 6 us those days. We come in. We have to be there early  
 7 to log our phones in. Specific days, I couldn't tell  
 8 you exactly what day, but it was told verbally.  
 9 Q How did it come up?  
 10 A How did it come up? Explain. How did the  
 11 system come up?  
 12 Q No. How did the subject come up?  
 13 A Usually in team meetings or she came in  
 14 through the training class or she had the -- the  
 15 trainer tell us that specific information. We have to  
 16 be there early to log the phones, or log the systems  
 17 on before we get onto the phone.  
 18 Q Did Juanlyn Williams ever tell you not to  
 19 record the -- well, let me back up. Did you have  
 20 access to totals?  
 21 A Yes.  
 22 Q And you're familiar with totals?  
 23 A Yes.  
 24 Q And did you use totals to report overtime?  
 25 A Yes.

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1 Q Did Juanlyn Williams ever tell you not to  
 2 report the time that you spent logging into either the  
 3 computer -- to the computer or any tools in totals?  
 4 A Rephrase.  
 5 Q You spent time logging into the computer?  
 6 A Correct.  
 7 Q You spent time logging into tools?  
 8 A Right.  
 9 Q Did Juanlyn Williams ever tell you not to  
 10 report that time in totals?  
 11 A She never said not to report anything  
 12 regarding logging in prior.  
 13 Q Did any manager ever tell you not to record  
 14 that time in totals?  
 15 A Yes.  
 16 Q Who?  
 17 A Peter Zurita.  
 18 Q Anyone else?  
 19 A Dana Trahan and the rest of my management  
 20 team. I can't remember his name. Mike Landery.  
 21 There's another guy named Jim something. I can't  
 22 remember his last name right now. He was not my  
 23 manager for very long.  
 24 Q Connoles?  
 25 A Huh?

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1 Q Jim Connoles?  
 2 A Connoles, yeah. Everybody was required to  
 3 log in early, and that was told by management or  
 4 through the seniors, relayed through them.  
 5 Q What -- where -- what department were you  
 6 in when Zurita made that statement?  
 7 A That was IBM For You.  
 8 Q And Trahan we already talked about.  
 9 He's --  
 10 A For You.  
 11 Q And --  
 12 A Jim Connoles and Mike Landery were my sales  
 13 order support managers.  
 14 Q Now, when you were in entitlement, what --  
 15 how long did it take to log into the computer system?  
 16 A Usually about ten or 15 minutes, unless  
 17 something happened; an application crashed or the PC  
 18 went defunct. We would have to call in a ticket to  
 19 have somebody come take a look at the system, and in  
 20 some cases if it completely crashed, they replaced the  
 21 entire unit.  
 22 Q And that ten to 15 minutes that you  
 23 mentioned, that's the entire log-in time? From the  
 24 time you turned the computer on until the time you  
 25 get --

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1 A By the time I showed up at my desk, started  
 2 unlocking my desk and turning the computer on and  
 3 getting my equipment and my material, yes.  
 4 Q So it's ten to 15 minutes from the time you  
 5 started until the time you logged onto the phone?  
 6 A Correct. They call it prestart-up. We had  
 7 to get all that stuff ready to go.  
 8 Q What -- what tools were you logging into at  
 9 that time?  
 10 A Too numerous to mention. HONE, ViewBlue,  
 11 AAS, SM -- MSN, or MSS. I'm sorry. MSM. Forgive me.  
 12 The other tools I can't remember, but there were  
 13 ten-plus applications, and the other ones required  
 14 passwords, which you had to manually go type in your  
 15 user ID and password and go through and log it on and  
 16 then drop it down to the task bar, pull the next one  
 17 up, et cetera, et cetera.  
 18 Q Were you aware of any macros that would  
 19 allow you to open all those tools at once?  
 20 A They had macros, but they didn't open up  
 21 all the tools that we required for entitlement.  
 22 Q So what tools, if you can recall, were not  
 23 -- could not be opened through those macros?  
 24 A There were -- there were up to five or six  
 25 different ones, but we could not open those up while

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1 the macro was running, or we would cause in some cases  
 2 a lot of script errors that we would have to reboot  
 3 the computer and start over.  
 4 Q Let's see. The tools that I got down that  
 5 you could recall were MSN, ViewBlue?  
 6 A MSM.  
 7 Q MSM?  
 8 A Like Mark, Sam, Mark.  
 9 Q And then how is it --  
 10 A AAS?  
 11 Q AAS?  
 12 A HONE. H-O-N-E, HONE. ViewBlue, which was  
 13 -- which was basically an employee database of all  
 14 employees, but we had to have that up and available  
 15 because some of our tools ran out of it. The ones  
 16 that I remember off the top of my head.  
 17 Q What is HONE?  
 18 A HONE? HONE? God, that's hard to explain.  
 19 It's a database that has support contracts loaded into  
 20 it, one of the databases. There are many others that  
 21 had support information in that -- said the customer  
 22 had a support contract. That's why we were a research  
 23 group. We had to use all these different tools,  
 24 including one tool from a business partner, to see if  
 25 maybe it was on a business partner side versus IBM

1 A I don't know what the acronyms mean, but it  
 2 was -- it's another tool that we have to log into, to  
 3 see where the sales department has worked with a  
 4 customer by account name or customer number, and then  
 5 we would see a history that this person was logging in  
 6 on what days they actually interact with the customer  
 7 to find out if the support contracts were sold or not.  
 8 THE VIDEOGRAPHER: Two minutes.  
 9 MR. ROSSMAN: Why don't you just go ahead  
 10 and change it?  
 11 THE VIDEOGRAPHER: Off video.  
 12 (Thereupon, a recess was taken.)  
 13 THE VIDEOGRAPHER: On video.  
 14 BY MR. ROSSMAN:  
 15 Q Are you -- are you familiar with the term  
 16 "call ready"?  
 17 A Call ready?  
 18 Q Uh-huh.  
 19 A Yeah.  
 20 Q What does call ready mean?  
 21 A Call ready means that you have logged into  
 22 your phones and you're call ready.  
 23 Q So just logged into the phones makes you  
 24 call ready?  
 25 A Logging into the phones, and there's a -- a

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1 side that sold them a support contract.  
 2 Q But the HONE database? Is that what you  
 3 call it?  
 4 A HONE database. It's a tool.  
 5 Q But -- okay. So the HONE tool, that was  
 6 one of the -- that was a tool that had certain support  
 7 contract information on it?  
 8 A Yes. IBM confidential information.  
 9 Q What about the AAS?  
 10 A AAS? AAS actually had about four to five  
 11 different types of support. AAS, different programs,  
 12 one did one thing; one did another. It's real  
 13 difficult to explain what each one did, but AAS was  
 14 kind of like the front line to all other applications  
 15 within it.  
 16 Q And how did the -- the ViewBlue, I think  
 17 you talked about that?  
 18 A ViewBlue? Like I said, ViewBlue was  
 19 actually like an employee directory, but within that  
 20 directory there was a -- there was a -- a tool that we  
 21 used, and I can't remember it, that stemmed off of it.  
 22 So in other words, we had to get our Internet Explorer  
 23 up, load that tool, and this tool ran off the Internet  
 24 Explorer within the intranet.  
 25 Q What's MSM?

1 button that puts you in availability, what they call  
 2 avail.  
 3 Q And that was -- you're saying the  
 4 requirement in entitlement is that you be call ready  
 5 at the start of your shift?  
 6 A Yes. At the phones, yes.  
 7 Q Now, other than the complaint that you  
 8 mentioned earlier about Mr. Trahan --  
 9 A Trahan.  
 10 Q -- Trahan, did you make any other internal  
 11 complaints while you were at IBM?  
 12 A No.  
 13 Q Were you dissatisfied at all how the Trahan  
 14 situation was handled?  
 15 A No.  
 16 Q Now, were you yourself ever a senior while  
 17 you were at IBM?  
 18 A I was a focal.  
 19 Q What's the difference between a focal and a  
 20 senior?  
 21 A A focal basically has the ability to assign  
 22 reps to perform a certain task, and me being a focal,  
 23 I was in charge of getting them orders placed, and  
 24 this was during sales order support. We had two  
 25 focals. The department was split in half. Two focals

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1 were picked, me and a guy named Curtis Pierce, and  
2 when a large order came -- came up to us or it was  
3 dictated by the corporate office, we were given a -- a  
4 set time. We had to pick some people to take off the  
5 phones that were getting inbounds to process orders.

6 Q And which -- I'm sorry. Which team were  
7 you on when you were the focal?

8 A Sales order support.

9 Q And so not during the time period you were  
10 in entitlement?

11 A Receive call and entitlement, no. But in  
12 -- to -- to -- the entitlement group was acting kind  
13 of like a managerial to the front line. If the front  
14 end did not -- was not supposed to bring this customer  
15 to us, say if it was like a laptop, we would actually  
16 document them with kind of a reprimand, a little  
17 report within Lotus Notes stating the customer was  
18 transferred over incorrectly and was not probed  
19 efficiently and was not directed to the correct  
20 support group.

21 Q And that was when you were in entitlement,  
22 you would do that?

23 A Yes. That was everybody's responsibility.  
24 You know, but it was like saying we were inadvertent  
25 seniors over the front end.

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1 Q Yeah.

2 A We could actually report them for  
3 misdoings.

4 Q And that was -- I mean, that was --  
5 basically if a call was routed to you that didn't need  
6 to be routed to you?

7 A Right. Like a laptop and the person  
8 insisted it was like a major system but didn't tell us  
9 that and we get to the customer and start asking  
10 questions. They said, well, why can't I get my laptop  
11 to work?

12 Oh, you're calling for a laptop? Oh,  
13 okay. So the problem management record has this  
14 employee's serial number, name stamped in it, and then  
15 we would actually do a document write-up, and then it  
16 was forwarded to their manager.

17 Q And then their manager would handle it from  
18 there?

19 A Yeah. They would either try to dispute it  
20 or talk to the rep and ask them, why did you transfer  
21 a Thinkpad support? And if they could not provide  
22 adequate response, they say, okay, this is owned, and  
23 it went against their performance.

24 Q If the -- if the rep -- the front-line rep  
25 was going to dispute whatever the issue was, would

1 someone from entitlement ever get back involved to  
2 have to answer questions?

3 A Comments and stuff were made within the  
4 actual write-up, the document. The manager said --  
5 the manager would say, customer said or the rep said  
6 this, but all calls were recorded, and we could report  
7 -- pull up the call and say, no, that's not what she  
8 said, so -- yeah. You could not get away with  
9 fibbing, because everything was recorded.

10 Q Now, why did you leave IBM?

11 A Well, the -- for one, the entitlement group  
12 was a group that I did not want to be in, in the first  
13 place. I was more of a sales rep, and I have applied  
14 numerous times to sales to try to get there, and my  
15 manager was actually preventing me from getting there.  
16 Every time I tried to apply to a sales position, she  
17 said, I'm not going to authorize it. So it was just a  
18 matter of me just getting disgruntled and tired of,  
19 you know, being told, no, I can't go to sales when  
20 there were sales reps and sales managers that wanted  
21 me in that division but were being told, he can't go.

22 Q And where do you work now?

23 A I don't. I'm unemployed.

24 Q Have you -- have you worked from the time  
25 you left IBM and now?

1 A No.

2 Q Were any of your positions at IBM, sales  
3 positions?

4 A Sales order support was the assisting of  
5 the sales department, but yes, we did do sales,  
6 noncommission. We actually processed anywhere from a  
7 few orders to a thousand, and as a matter of fact, the  
8 one year that I was in sales order support, between  
9 the two focals and four other employees, we did  
10 \$2.2 million, but that was not commission to us. That  
11 went to the sales team, because it was their product,  
12 their machines. We did -- we just basically took  
13 orders that were over -- too much for them to handle  
14 and processed them for them.

15 Q We may have done this at the beginning, but  
16 you were -- your last group was entitlement?

17 A Correct.

18 Q And before that, you were?

19 A Software receive call.

20 Q So the front line?

21 A Front line.

22 Q And where were you before?

23 A Before that, sales order support.

24 Q And before that, you were?

25 A IBM For You.

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1 Q IBM For You is where you started?  
 2 A Yes.  
 3 Q Do you remember when you left IBM For You?  
 4 A It was in -- within the first year that I  
 5 was with IBM. I was a supplemental, and through hard  
 6 work and dedication I was converted to an IBM regular.  
 7 Q So were you still in IBM For You when you  
 8 became a regular?  
 9 A Yes.  
 10 Q And at some point -- why did you move from  
 11 IBM For You to sales order support?  
 12 A It's -- it was a promotion.  
 13 Q And why did you move from sales order  
 14 support to receive call?  
 15 A Outsourcing.  
 16 Q The group got outsourced?  
 17 A Canada.  
 18 Q And how about going from receive calls to  
 19 entitlement? Why did you --  
 20 A Promotion.  
 21 Q But that's -- but you did not want to go to  
 22 entitlement, though?  
 23 A I didn't want to go to receive call either.  
 24 It was either that or take my walking papers.  
 25 Q Now, did you ever apply -- well -- well,

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1 let me back up. Who was the -- the manager that --  
 2 that you say was blocking you from going to a  
 3 different position? Who was --  
 4 A Juanlyn Williams.  
 5 Q And can you describe -- I mean, what is the  
 6 process? If -- if a regular IBM employee wants to --  
 7 A It's --  
 8 Q -- get another -- well, let me just finish  
 9 so we're not talking over each other. If an internal  
 10 IBM employee wants to move to a different position or  
 11 apply to a different position within IBM, what is the  
 12 process?  
 13 A They would go out to a Web site that lists  
 14 internal positions within IBM, whether it's in the  
 15 same state, same building, or another building, or  
 16 even across the world. You would then apply, put in  
 17 your skill sets in the bottom, in the comments, and an  
 18 e-mail would be sent to my manager. The manager would  
 19 then review that, and the hiring manager or recruiter  
 20 would contact the manager, and then they would talk  
 21 about it. And that's as far as I know. What else  
 22 goes on is beyond me, other than either I got the  
 23 position or I was denied.  
 24 Q And did you -- you apply -- did you apply  
 25 for --

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1 A Other positions?  
 2 Q -- other positions while you were in  
 3 entitlement?  
 4 A Yes.  
 5 Q And how do you know that Juanlyn Williams  
 6 was blocking you from getting those other positions?  
 7 A Because she would pull me off into the  
 8 office and tell me that you're going to have to  
 9 improve yourself and show me more before I let you  
 10 move on to another department.  
 11 Q The other departments you were applying  
 12 for, would those be -- have been considered promotions  
 13 or lateral --  
 14 A Yes. It would be considered promotions  
 15 with -- the word escapes me. I would get my base pay,  
 16 plus I would get whatever -- commissions, plus  
 17 commissions, and it was considered a -- IBM's level,  
 18 they considered everything to be bands, so I'd be  
 19 going from a band four to a band six. Anything up a  
 20 band is considered a promotion. Anything that's the  
 21 same band when you move across is a lateral move.  
 22 Q So you would have been moving up a band?  
 23 A Uh-huh.  
 24 Q Yes?  
 25 A Yes. Thank you.

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1 Q Yes. It's -- got to get everything  
 2 recorded down, so -- what if you recall, were the --  
 3 now, these were actual sales positions you were  
 4 applying for? Do you recall what the positions were?  
 5 A There were various ones. Some of them were  
 6 dealing with different platforms with IBM that sold,  
 7 whether it was the AS/400 to the RISC 6000, the  
 8 System/390s. Some of them were software sales that  
 9 just dealt with the actual operating system with  
 10 support contracts, mostly in that category. I kept  
 11 leaning, leaning more to that.  
 12 I have applied to technical support on  
 13 the PC side due to my familiarity with building and  
 14 repairing my own computers but later found out that  
 15 they only hire like five percent IBMers. Everybody  
 16 else has to be contract workers, so it was not  
 17 something you could easily slide into, so I -- I  
 18 leaned and pushed towards sales more.  
 19 Q Did you have -- did you have sales  
 20 experience prior to coming to IBM?  
 21 A Through sales order -- sales, yes. I did  
 22 sales in retail, a lot of retail, especially with the  
 23 electronic side. I was I guess classified as  
 24 electronic guru, so anything they had pertaining to  
 25 high-tech electronics, they always seemed to push

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1 those customers to me if they were indecisive, and  
2 usually I would get them what they wanted.

3 Q Was this phone sales before IBM?

4 A No. This was, like, through Best Buy. You  
5 know, floor rep. I was actually a supervisor in that  
6 position. I did control other folks and direct them  
7 to their work schedules and habits and assisted  
8 customers and -- the go-to person.

9 Q Did you ever complain to anyone about  
10 Juanlyn Williams' actions towards your job  
11 application?

12 A Yes.

13 Q Who did you --

14 A To various -- various reps, even to the  
15 second line. That, you know, I felt that she was  
16 stifling me from going, moving on to something that I  
17 really would enjoy and do, but it was her opinion that  
18 I -- that I was inadequate.

19 Q What was the second line's response when  
20 you brought up this issue?

21 A It's hard to -- hard to explain a facial --  
22 emotional expressions, you know. They kind of like,  
23 well, maybe you're just, you know, not satisfied with  
24 your manager overall; maybe you're just making this  
25 up. It was kind of, like, blown away or ignored or

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1 wasn't taken seriously.

2 Q Well, what did the second line say to you  
3 that you recall?

4 A Well, she would pull the manager in and  
5 say, you know, what basis do you have for this?

6 And you say, well, you know, this is not  
7 being done, or this is not being done, or he's not  
8 following this. Something was always -- always going  
9 wrong with this department. And this particular  
10 department is a new department, so it's still an  
11 infant in its conception of what they had to do. They  
12 kept adding more and more and more and more, and it  
13 never stopped. Each week there was three more new  
14 tasks to do, and it never ended, and you had to pick  
15 it up like that. You literally had to walk on water.

16 Q So did the second line take any action in  
17 response to your complaints about Juanlyn Williams?

18 A No. No. No, they did not.

19 Q Now, when you left IBM, was that part of a  
20 resource action?

21 A Explain.

22 Q Did you -- well, let's do it this way. Did  
23 you leave IBM voluntarily?

24 A Yes.

25 Q And were you offered any sort of --

1 A Compensation?

2 Q Yes.

3 A Yes. Severance pay.

4 (Thereupon, marked for identification,  
5 Defendant's Exhibit D3.)

6 MR. ROSSMAN: Is this three?

7 THE REPORTER: Yes, sir.

8 BY MR. ROSSMAN:

9 Q I've just handed you a document that's been  
10 marked Exhibit 3. It's entitled individual separation  
11 allowance plan, general release. Is that your  
12 signature on the last page of the document?

13 A Yes.

14 Q And this is the release that you executed,  
15 I guess in connection with your separation?

16 A Yes.

17 Q And this release was part of a severance  
18 package you received?

19 A Yes.

20 Q Who offered you the severance package?

21 A Juanlyn Williams.

22 Q And who brought up the issue? Did she  
23 bring it up, or did you?

24 A It was an if-or-you-get-this. There was a  
25 disciplinary write-up that I deemed inappropriate due

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1 to the fact that I had to tend to a sick family member  
2 and they were trying to write me up for something  
3 called excessive unplanned vacation, which I had the  
4 vacation time to cover this.

5 After reviewing with family members that  
6 do work with IBM and a few managerial friends, past  
7 managers, they stated that IBM is trying to get me in  
8 trouble. If I'm one minute late, if I was in a car  
9 wreck, if I called in sick, I was terminated with no  
10 benefits. So at that time I choose not to sign the  
11 disciplinary action, refused, and the package was  
12 offered, the if-or-this.

13 Q Okay. So what was the -- the issue that  
14 you were being disciplined for was excessive unplanned  
15 vacation?

16 A Correct. I had a -- I had a fiance, wife,  
17 however you wish to call it, spouse, who was sick on a  
18 Monday, and we took her to the doctor Wednesday. He  
19 prescribed the inappropriate medications to make her  
20 well. We took her to the hospital late that night.  
21 He resubscribed new medication, and I was out for the  
22 entire week. Since I cannot report sick time for  
23 spouses, I had to take unplanned vacations, and IBM  
24 does not have sick time. There's no such thing.

25 Q Did you consider applying for FMLA leave?



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1 A For a week? No.  
 2 Q So you applied for -- for unplanned  
 3 vacation?  
 4 A I submitted unplanned vacation.  
 5 Q And at that time what happened?  
 6 A Three, four days later, maybe even a week  
 7 later, she come up to me, which was at the last part  
 8 of July, first start of -- actually, it was August  
 9 the 1st that she called me into the office and  
 10 explained to me that -- went into a conference room  
 11 and wanted to discuss the unplanned vacations and that  
 12 she was going to write me up as a result. I said,  
 13 well, I didn't -- I couldn't control it. I had a sick  
 14 person. She'd disabled. She has no means of  
 15 transportation, and I'm the only one that can provide  
 16 it and care for her, and that's what they wrote -- was  
 17 attempting to write me up with, so it was a forced  
 18 severance.  
 19 Q So what was the -- what was presented to  
 20 you? You said it was --  
 21 A My time -- my time --  
 22 Q -- if-or?  
 23 A Either if you sign this, or you have to  
 24 take the severance package.  
 25 Q And you chose the package, I take it?

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1 A Yes. When I received -- when I underwent  
 2 counsel from various people I trusted within IBM.  
 3 Q Who were the -- who were the people --  
 4 A Friends.  
 5 Q -- within IBM you discussed this with?  
 6 A Old seniors, Karen -- Karen Slater, my  
 7 manager, Mike Landery from sales order support. He  
 8 said, you know, they're trying to get you. They're  
 9 trying to pin you. They're getting one little  
 10 infraction, and they're going to get you for it.  
 11 Q Did you have vacation time to cover the  
 12 unplanned vacation?  
 13 A Yes.  
 14 Q What did Miss Slater say about the  
 15 situation?  
 16 A She pretty much confirmed the same thing  
 17 Mike Landery said and family members: That they were  
 18 -- that they were trying to trick me into getting  
 19 permanently fired for no benefits.  
 20 Q Were the family members -- they were IBM  
 21 employees, or were they not?  
 22 A One of them was. The other one was an IBM  
 23 business partner.  
 24 Q Who was the IBM employee?  
 25 A My brother.

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1 Q And who was the business partner?  
 2 A My sister.  
 3 Q Is your brother a -- a manager with IBM?  
 4 A Yes and no. He's one of the four IBMers  
 5 that control the Thinkpad and desktop support.  
 6 Q What does that mean?  
 7 A They're the go-to people. You know, you  
 8 got an issue on the floor, you go to them.  
 9 Q He's like a focal or a senior or something  
 10 along those lines?  
 11 A Yeah. More of a supervisor type situation.  
 12 There are four of them, four different ones.  
 13 Q And your sister is an IBM business partner?  
 14 A She works for an IBM business partner out  
 15 of home. Works out of her home.  
 16 Q Was there anyone else you discussed this  
 17 issue with?  
 18 A My mom, but I don't think you will be able  
 19 to talk to her.  
 20 Q Anyone else affiliated with IBM?  
 21 A Just local friends, people that were in the  
 22 cubicle. They all agreed. They felt it was a trap.  
 23 Q That's what they told you?  
 24 A Said, what it looks like, they were trying  
 25 to get to me. The one little infraction, whether it's

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1 my fault or not.  
 2 MR. ROSSMAN: Stop the tape for a second.  
 3 THE VIDEOGRAPHER: Off video.  
 4 (Thereupon, an off-the-record discussion was  
 5 held.)  
 6 (Thereupon, marked for identification,  
 7 Defendant's Exhibit D4.)  
 8 THE VIDEOGRAPHER: On video.  
 9 BY MR. ROSSMAN:  
 10 Q Now, I've just handed you a document that's  
 11 been marked as Exhibit 4. It's a document that at the  
 12 top says, "View PBC." There's five pages, I believe.  
 13 Do you recognize this document?  
 14 A Personal -- personal base commitment.  
 15 Q Is this -- this is a performance  
 16 evaluation; correct?  
 17 A Self-performance evaluation.  
 18 Q Did your manager have any -- well, let me  
 19 -- turn -- please turn to page 3, the overall rating  
 20 and assessment. Did -- who did the overall assessment  
 21 portion of that?  
 22 A Manager.  
 23 Q And that was Juanlyn Williams?  
 24 A Right. And the second-line manager that  
 25 you mentioned earlier, Sharon Lofton was the

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1 second-line manager. Where you see her is on page 4.  
 2 At the bottom it says, "Reviewer signature." Sharon  
 3 Lofton was the second line.

4 Q What was your understanding of the process  
 5 in terms of how the overall assessment was prepared?

6 A Actually, the -- the overall process was  
 7 actually pre-prepared for us. We were just to copy  
 8 and paste it into the PBCs here, which we had to do  
 9 each year, so we would take the last year's PBC  
 10 information, and if anything was added, we were told  
 11 to add whatever was needed, copy and paste it in the  
 12 -- the new year's, and submit it, and at the end of  
 13 the year they did a review.

14 Q So you would cut and paste what? The  
 15 business goals on page 1?

16 A Yes. All that information there was all  
 17 copied and paste, prepared for us.

18 Q And then on page 2, the business results,  
 19 you would enter that at the end of the year?

20 A Every -- yes. That was also given to us.  
 21 That was what we were supposed to type in, the stuff  
 22 that we did. For example, on page 2 the results of 25  
 23 PMRs, which are problem management records, per day.  
 24 After a while that kind of laxed out because business  
 25 kind of settled, and at the beginning when I told you

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1 when we first started in the infancy, we were doing  
 2 anywhere from 100 PMRs, but those were backlog PMRs,  
 3 but we still had to document every last one of them  
 4 until it -- until it tapered down to 25 or less.

5 Q So this -- you wrote this -- this business  
 6 results section?

7 A Actually, most of the business result  
 8 information was provided for us. All we had to do was  
 9 just fill in small little blanks here and there.

10 Q What about like the first -- the first  
 11 paragraph? Did you write that?

12 A I meet most of the business requirements  
 13 for current position?

14 Q Uh-huh.

15 A That was kind of pre-prepared -- prepared  
 16 by -- in advance for us, which it pretty much stated  
 17 what we're supposed to be doing anyway, so we just  
 18 kept using it over and over.

19 Q Who prepared -- well, like the first --

20 A I don't know --

21 Q -- paragraph?

22 A I don't know who prepared the whole thing.  
 23 I know that the outline was provided by a guideline by  
 24 management, but other employees that submitted their  
 25 -- their PBCs would share with other employees to get

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1 it completed.

2 Q And how would the -- how would the -- the  
 3 information in paragraph 1, say how did that come to  
 4 you?

5 A On the first page?

6 Q I'm sorry. The paragraph 1 on the second  
 7 page, the business results?

8 A Business results? Most of that stuff was  
 9 provided to me in advance, and if I had to make  
 10 additions or retract certain information on it, then I  
 11 would do so accordingly.

12 Q Yes. But what I'm saying is, how did it  
 13 come to you? How did the information come to you?

14 A E-mail.

15 Q And you don't remember who the e-mail was  
 16 from, though?

17 A No.

18 Q Was it -- do you remember if it was from  
 19 Juanlyn Williams, or was it from somebody else?

20 A It originally came from management.

21 Whether it was directly from Juanlyn Williams or  
 22 something that -- that Cynthia did before she left,  
 23 the department itself was -- was still in its infancy  
 24 stage back then, so things were being modified and  
 25 changed. Our PBCs would change. If something new

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1 came along, was added, we had to go in and update our  
 2 PBCs accordingly.

3 Q Now, on the third page, the overall  
 4 assessment, do you know who did that?

5 A That was done by Juanlyn.

6 Q And the overall rating, was that -- well,  
 7 the rating, was that by Juanlyn as well?

8 A Yes.

9 Q And the rating you received I guess for  
 10 that year was a PBC3, among the lowest contributors  
 11 this year; needs to improve? Did you agree with that  
 12 rating?

13 A No, I didn't.

14 Q What -- what -- why did you not agree with  
 15 it?

16 A Well, because I worked hard, just as hard  
 17 as everybody else in the call center. Juanlyn had her  
 18 favorites that she picked out to do certain tasks.  
 19 New stuff that came down the line was not explained  
 20 100 percent. It was every -- done in meetings, from  
 21 another individual who kind of helped set our  
 22 processes and create our processes and document them,  
 23 but she would always lead the meetings with new  
 24 processes and just give us like a -- a one-sheet piece  
 25 of paper of this and that or send out a Lotus Note



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1 telling us that this is the new process; you know,  
2 learn it.  
3 But sometimes doing all these new  
4 processes were very challenging. I mean, it -- it was  
5 extremely stressful, far beyond what I was doing in  
6 sales, and sales had me there working overtime, which  
7 was authorized to do, but this one here, you know, to  
8 pick up new processes and run with it and be 100  
9 percent compliant was too much to ask for anybody.

10 Q Did you get paid for all your time when you  
11 were in sales?

12 A Yeah.

13 Q Who -- who were Juanlyn's favorites that  
14 you recall?

15 A It's hard to name them. There were four.

16 Q Who? Who were they?

17 A I -- Dwayne Montgomery. There were three  
18 other ladies. I can't remember the names. Like I  
19 said, I'm good with faces, not names, but there were  
20 three others that she -- she assigned to help her do  
21 her administrative duties.

22 Q That was the -- was that Dwayne and the  
23 three ladies?

24 A Yes.

25 Q I think we talk --

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1 A Those three were actually reviewing  
2 whatever we do and either chastising or praising,  
3 either way, but I -- none of them seemed to like me on  
4 a personal note. I mean, not saying that they hated  
5 me, but I was not a popular person to them, and they  
6 could really care less if something bad happened or if  
7 I made them mad or something. I would see it  
8 reflected in reports to the manager for --

9 Q Were there -- I'm sorry. I didn't mean to  
10 cut you off.

11 A No. I'm sorry. Go ahead. That was it.

12 Q Were there other people on the team who --  
13 well, I take it, you know, you would cast yourself as  
14 someone who was not one of Juanlyn's favorites?

15 A Yes.

16 Q Were there other people on the team who you  
17 believed were not one of Juanlyn's favorites?

18 A Yes.

19 Q Who?

20 A Nancy Clark. She's like myself. She was  
21 heavyset. As a matter of fact, me and Nancy were the  
22 only white individuals in the call center. Everybody  
23 else was -- was African-American or Latino. As a  
24 matter of fact, before I -- I was given my thing,  
25 several people were let go. Some of the people that

1 I've known for years were released from sales order  
2 support, just out of the blue, and they wouldn't tell  
3 us why. Just said, well, they're no longer with us  
4 anymore; good-bye.

5 Q Do you think Juanlyn Williams was  
6 prejudiced against white people?

7 A Not prejudiced. She was power hungry. I  
8 knew that from the first day I met her back in IBM For  
9 You when she was just a senior. She was very abusive,  
10 mean to other people. You ask her a question, she'd  
11 snap at you. She's quick to point out negatives and  
12 very, very lenient to give praise, and she used an  
13 iron hand to try to motivate. As an example, you  
14 should be glad that you have a job here was the kind  
15 of stuff that I had to deal with.

16 Q Who would the -- who were the people who  
17 were let go?

18 A Terry Smith, for one. Clarence Brown is  
19 another, and I don't remember this other guy. He was  
20 in sales order support maybe all of a month, and we  
21 suspect, or one of the four -- I want to call them,  
22 say, advanced administrators -- had filed a complaint,  
23 a sexual harassment complaint, against him.

24 Q Against the other guy?

25 A Yes. You know, it was only a whisper that

1 we heard about it. We don't -- I don't have anything  
2 to substantiate it, because I didn't talk to him. I  
3 didn't hardly know him, but all I know is that one of  
4 the -- the four of the individuals went to Juanlyn and  
5 filed a sexual harassment complaint against him and he  
6 was gone.

7 Q So were -- were -- the people, three people  
8 you just mentioned, were they all in entitlement, or  
9 were they --

10 A Yes.

11 Q -- in a different group?

12 A They were all in entitlement.

13 Q And were they white individuals also?

14 A No.

15 Q Were there any other people -- I guess

16 these people who were let go, Nancy Clark -- were  
17 there other people who were --

18 A Nancy was not released. She is still  
19 within IBM.

20 Q Oh, yes. I didn't mean to -- there was  
21 Nancy Clark. There were the three people you  
22 mentioned who were let go. Were there other people  
23 who were --

24 A After I was gone?

25 Q Well, let me just -- were there other

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1 people who were not Juanlyn's favorites?  
 2 A Yes. There were a few.  
 3 Q Who else stands out for you?  
 4 A I can't remember his name. At first he  
 5 didn't like me, and then he had a dispute with a  
 6 manager, flat out told her on the telephone in a voice  
 7 mail that he already filed for his sick time; don't --  
 8 don't chastise him about it. Those words exactly, and  
 9 after that, he became the less favorite or unpopular  
 10 with her until he tried to do a temporary assignment  
 11 and tried to get out of that division, which he was  
 12 doing the same thing that I was doing. We were trying  
 13 to escape from our manager.  
 14 Q Right.  
 15 A We wanted out.  
 16 Q Well, I guess I'm kind of -- I mean, why  
 17 wouldn't she let you go if you were not one of her  
 18 favorites?  
 19 A You'll have to take it up with her. I  
 20 don't know why.  
 21 Q What -- so what was -- what was -- why do  
 22 you say that Nancy Clark was not one of Juanlyn's  
 23 favorites?  
 24 A Well, I know that Nancy at the time that I  
 25 was there, her house burned down and she was out, and

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1 Juanlyn made a big issue about that. She went through  
 2 a divorce and went through some depression, and  
 3 Juanlyn didn't seem to like that. Like myself, I had  
 4 chronic migraines, which was medically documented, and  
 5 sometimes I would be out because of, you know --  
 6 overmedicated because that was the only way I was  
 7 getting rid of my migraines, and even though my time  
 8 for being out was approved, Juanlyn always  
 9 disapproved, so anytime you were out, it was a big  
 10 thing with her.  
 11 Q What would she do?  
 12 A She wouldn't talk to you sometimes, you  
 13 know. Wouldn't -- you know, you talk to her, she --  
 14 you'd be talking to the back of her head. She'd be on  
 15 her laptop. Yeah, okay, okay. You know, just ignore  
 16 you. You know, wouldn't make eye contact, wouldn't  
 17 smile. You know, just cold overall, and you could  
 18 tell who her favorite people were because she would  
 19 always go and greet them in the morning, and everybody  
 20 else she ignored.  
 21 Q Well, that was actually going to be my next  
 22 question. How did she treat her favorites versus the  
 23 people you mentioned?  
 24 A Gave them special projects which took them  
 25 off the phones. Gave them a little more freedom to

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1 get up from their desk and move around.  
 2 Q Anything else?  
 3 A Mainly that. The projects, you know.  
 4 Projects that were not that hard to do, you know.  
 5 Just basically data retrieval and documentation.  
 6 Q So these people would not -- how long would  
 7 these -- would these special projects take up the  
 8 whole workday?  
 9 A Take up the whole week.  
 10 Q Oh, they take up the whole -- weeks at a  
 11 time?  
 12 A Weeks at a time. Some reports had to be  
 13 done at a specific time of the month to be turned in  
 14 to the second line or to our vendors, and we had to  
 15 have them done, articulated, corrected, whatever they  
 16 wanted to do. They called it scrubbing. Made sure  
 17 there was no errors in the reports or whatever, that  
 18 information was not submitted incorrectly, and then  
 19 they would go through the report, scrub it, flower it  
 20 up however they wanted to do it, and submit it.  
 21 Q And you also mentioned that Juanlyn's  
 22 favorites would get more freedom to get up from their  
 23 desks. What do you mean by that?  
 24 A Which means that they would go into a work  
 25 code on their phone, which means they were not

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1 receiving inbound calls, and if they had to get up to  
 2 walk to another administrator's desk to ask questions,  
 3 you know, it didn't count against them because they  
 4 were doing special project.  
 5 Q Oh, I see. But they were not on the phones  
 6 to begin with?  
 7 A They were on the phones like us, yes.  
 8 Q Well, no. They were -- they were -- I  
 9 understand they were in your department, but when they  
 10 were on these special projects, were they also on the  
 11 phones, or were they just doing a special project?  
 12 A That -- that kind of varies. It could be  
 13 if -- if their project or what materials they have  
 14 done, they got it done ahead of time, then they would  
 15 go and start receiving calls, but at any time they  
 16 could come out of it to pursue whatever projects or  
 17 questions that were brought to them from another rep,  
 18 so they could basically go off the phones, not logging  
 19 out, but just go into this code.  
 20 Q An AUX code?  
 21 A AUX code. And then go and address the  
 22 issue.  
 23 Q Was -- I think you mentioned, you know, you  
 24 would get in trouble if you were a minute late, you  
 25 said?

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1 A That was just IBM policy from day one.

2 Q Well, would Juanlyn treat her favorites  
3 different? Give them more slack in term of --

4 A Probably, yes. Probably not, you know --  
5 probably just say, you know, be careful on your time.  
6 Make sure you get here.

7 Q Were there other ways you can recall that  
8 she treated her favorites differently?

9 A That was basically it. Gave them the  
10 projects, gave them the new projects or something,  
11 spent more time with them, more personalized  
12 conversations. Yeah. You could tell who was the  
13 favorite and who was not just from watching her and  
14 listening.

15 Q Could you please turn back to the Exhibit  
16 4, the PBC? And I'm looking at the overall  
17 assessment.

18 A Which page?

19 Q That's page 3.

20 A Okay.

21 Q And if you go maybe one, two -- six lines  
22 down or so towards the end, there's the sentence that  
23 says, "Although he has experienced some challenges  
24 when executing his job responsibilities, and he  
25 performed with a lower degree of accuracy."

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1 A I had already explained that one. New  
2 processes come in that was not completely understood,  
3 and when asked questions from peers or for the people  
4 who brought the information to us, kind of was frowned  
5 upon. You know, it wasn't given the attention it was  
6 needed for me to understand. Hence, not working all  
7 the processes correctly or not understanding, and she  
8 would chastise that by saying that I was having a  
9 challenge. Well, it's probably her fault for not  
10 allowing me the time to get the training that I needed  
11 for these new processes.

12 Q Do you disagree that you were having these  
13 challenges that she was referencing?

14 A No. I don't disagree with them because  
15 they're hard. Literally, they were super hard. It's  
16 not something that you throw a piece of paper in front  
17 of them and say, here, here it is; learn it. You  
18 know, and you're on the phones taking inbound calls,  
19 and there may be a little bit of time for you, you  
20 know, to go and study it, but most of the times those  
21 processes are not something that was easily done,  
22 something that you could easily pick up on. It's not  
23 like jumping in a car and driving.

24 Q Do you know whether your degree of accuracy  
25 was lower or higher than other people on the team?

1 A I believe my accuracy was about average

2 with everybody else, because everybody else made the  
3 same mistakes.

4 Q How do you -- what do you base that on?

5 A Personal correspondence with the actual  
6 people. When they -- when they get their review for  
7 their PBCs, everybody came out and talked about it, so  
8 you know who did what, except for the people that  
9 really got the best stuff because chances are, they're  
10 going to get a raise, et cetera, but they're not going  
11 to tell everybody else, hey, I got more money than you  
12 now. So they're not going to run around and brag, but  
13 everybody else would -- in general that were my  
14 friends in the call center, would be open about what  
15 they received.

16 And I would tell them -- I said, you  
17 know, one thing, our managers were never at our desks.  
18 What we do, they don't see 24/7, so they're only  
19 basing stuff by numbers that the computer shows, not  
20 stuff that we've done above and beyond, and Juanlyn  
21 was also a stickler of chastising people for doing  
22 above and beyond what you're supposed to be doing.

23 Q What do you mean?

24 A Like if a customer really needed some help  
25 and you took that extra time with that customer and

1 she happened to be walking by. Then she goes, and see  
2 how long your phone conversation was. It might be 30,  
3 40 minutes, but this customer is in a real pickle and  
4 you're assisting them. She'll come back and say,  
5 well, you were on the this call for 45 minutes. Why?  
6 That's the schedule adherence thing. Right there,  
7 documenting reports of why I had this phone call for  
8 this long. When I explained I was with a customer  
9 that really needed help and get the same response.  
10 Well, you're not handling your customers right.

11 Q If you look at the last sentence of the  
12 overall assessment, it says, "Going forward, I  
13 recommend that Eugene masters our SCET processes for  
14 significant and sustained improvement and double-check  
15 her work daily to ensure no process errors are  
16 sustained."

17 I assume that "her" is a typo, but --

18 A Uh-huh.

19 Q -- did you agree with that sentence?

20 A Which page was that again? The third one?

21 Q Yes, the third page. It's the last  
22 sentence in the overall assessment.

23 A Yeah. Well, what she was basically telling  
24 me to do is that I needed to go back and double-check  
25 all my work before submitting it, which is still a

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1 time-consuming process. It would not adhere to the 25  
 2 PMRs per day if that be the case, so that's like a  
 3 double-edged sword. You get cut one way or the other.  
 4 Q Did you think Juanlyn Williams was a fair  
 5 manager?  
 6 A A strict manager.  
 7 Q Was she fair?  
 8 A I -- no. Personal opinion, no.  
 9 Q What about your other managers? Had they  
 10 been fair to you?  
 11 A Yes. As a matter of fact, in sales order  
 12 support before Mike Landery and the department split  
 13 and Tim Senior was my new manager then, I was made  
 14 employee of the quarter, so the second I get into  
 15 Juanlyn Williams' department and under her rule, I  
 16 could do no good.  
 17 Q What about Cynthia Stewart? Was she fair  
 18 to you?  
 19 A Yes. She was very fair.  
 20 Q Was Juanlyn Williams -- was she unfair to  
 21 you the whole time you were under her, or was it just  
 22 the second time you reported to her?  
 23 A Day one. You know, to me, when I first met  
 24 Juanlyn Williams back in For You, she was bitter  
 25 towards me. Even though I had a simple process

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1 question that was not even part of her department, you  
 2 know, she jumped me. Jumped me big-time for it. You  
 3 know, I even went and complained to Peter about it,  
 4 and he said, oh, just treat it like a drop of water on  
 5 a duck's back. Just let it roll off and move on.  
 6 Q What was -- now, Peter was --  
 7 A Peter was my first manager.  
 8 Q Peter?  
 9 A Zurita.  
 10 Q Zurita. And how did this interaction with  
 11 Juan -- well, did Juanlyn Williams have any  
 12 supervisory authority over you at that time?  
 13 A She was the senior or supervisor for what  
 14 used to be sales order support before it became sales  
 15 order support, if that makes any sense.  
 16 Q Whatever the prior name of that  
 17 organization was?  
 18 A Yes. And then she moved on. I don't know  
 19 where, you know, and then Karen Slater became the  
 20 senior, took her place, and even Karen will admit that  
 21 -- that Juanlyn was a shrewd woman. She would say  
 22 that she was quick to bite. You know, tell you off.  
 23 Q You don't mean shrewd as a compliment?  
 24 A No. Shrewd. She was -- she will tell  
 25 you -- you know, tell it like it is and not hold the

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1 punches.  
 2 Q So how did you -- how did you come to --  
 3 you mentioned interaction when you were working for  
 4 Peter with Juanlyn. How did that come about?  
 5 A Peter just brushed it off.  
 6 Q No. I mean, but how did you come to  
 7 interact with Juanlyn at that time?  
 8 A There was a -- there was something that we  
 9 took in For You call a CICS, which was basic -- an  
 10 overall complaint, and at the time, Peter took me off  
 11 the phones to start processing the CICS, or  
 12 complaints, and I had a question about it because it  
 13 used to be that department, sales order support or IBM  
 14 direct, as it was back then --  
 15 Q Juanlyn's department?  
 16 A Juanlyn, the senior, handled that, and I  
 17 had a question that I went to her regarding these  
 18 complaints, and she literally bit my head off, so I  
 19 just tucked tail. I went back to my desk, and then  
 20 skipped that one and processed the other ones and then  
 21 later came back and asked -- when Juanlyn had left,  
 22 asked Karen Slater, who was just a regular rep, and  
 23 she told me the right answer.  
 24 Q Did you have other negative interactions  
 25 with Juanlyn before she became your manager?

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1 A No. That was it. That was the first time  
 2 I ever came in contact with her.  
 3 Q Yeah. But I'm talking about after --  
 4 between that occasion and the time she became --  
 5 A Oh, she disappeared. I didn't know where  
 6 she went from there. I don't know what got her to the  
 7 management position of the receive call or how she got  
 8 there. I just know that she was manager when sales  
 9 order support was outsourced and they provided two  
 10 positions for me and another rep.  
 11 Q Were you given the opportunity to apply for  
 12 other positions when sales order support got  
 13 outsourced?  
 14 A Yes. Yes.  
 15 Q How -- so how did you end up in Juanlyn's  
 16 group?  
 17 A Not by choice. I applied for a sales  
 18 position. My counterpart, Curtis Pierce, who was also  
 19 the opposite side focal, applied for the sales  
 20 position, but since he had more interaction with  
 21 management over there, he got the position, and the  
 22 vice president didn't authorize a second opening for  
 23 me to go. It was after two months of being moved over  
 24 that a position opened up and they wanted me to go,  
 25 but they said no.



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1 Q Who is "they"?

2 A The second-line management team said,

3 sorry; you're over here in receive call; you got to

4 work here 12 months -- nine months, 12 months before

5 you can make another move.

6 Q So the -- your second-line manager wouldn't

7 let you go?

8 A Yeah.

9 Q The other group was ready to have you over

10 there?

11 A Yes. They said they even -- they even

12 pushed to get the position, but they refused to let me

13 go over. They said, in their words, we want to get

14 our money's worth out of you first.

15 Q What was your reaction when you found out

16 your manager was going to be Juanlyn Williams?

17 A Rolled my eyes in my head like, oh, great.

18 I said, well, you know, I got no choice, you know.

19 It's either that or the highway, and basically they

20 were outsourcing me. I was about ready to sign my

21 paper when they stuck their head in and said, oh, they

22 opened up two positions. Told me to stop.

23 Q Did you have the choice of taking a

24 separation package or going with --

25 A Yes.

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1 Q -- Juanlyn's group?

2 A Yes.

3 Q But you chose to go with the group?

4 A At the time, I needed -- I needed the job

5 more than anything else. At the time, since I only

6 had just a brief interaction with her back -- back

7 then, it was a bittersweet -- I mean, I got a job, but

8 I'll just go ahead and have to, you know, muddle

9 through and try to work my way out of that department,

10 which I did, but she ended up being the manager yet

11 again, so I was still stuck with her.

12 Q So what was your reaction the second time

13 you found out she was going to be your manager again?

14 A I would rather not comment on that. It was

15 not pleasant. I -- I was a little distraught that the

16 manager that hired me in, she was very friendly, very

17 nice.

18 Q That was Cynthia?

19 A Cynthia. She praised more than she barked,

20 but, you know, Juanlyn was just out there nagging you.

21 Every little negative aspect, you know, she harped on

22 it big-time. You know, you could do no right

23 according to her, and if you did do right, it was

24 never acknowledged except, oh, he performed

25 satisfactory or, he did this, and then of course, you

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1 see how she writes the negative stuff. Says, oh, he

2 needs to improve this; he needs to improve that. But

3 herself, she's never even done none of that.

4 Q Was there any sort of appeal process or

5 anything you could go to with the PBCs?

6 A I wish. You could put down -- you can

7 dispute your PBCs, but then it was probably subject to

8 you almost being offered the severance package because

9 you had -- you had no choice but to sign it, and even

10 if you disagreed, you could sign it and say, I didn't

11 like such-and-such or this and that.

12 Q Well, turn to page 4 for me. There's the

13 employee review section --

14 A Uh-huh.

15 Q -- and the optional comments section. Did

16 you write those?

17 A This is what they were telling me to put in

18 there.

19 Q Who told you to put that in there?

20 A My manager.

21 Q Juanlyn?

22 A Uh-huh.

23 Q And did she provide to you the language, or

24 what did she do?

25 A Yes. She provided me the guideline, and I

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1 had to type it in myself.

2 Q Did she send you an e-mail?

3 A Yeah.

4 Q Do you still have that e-mail?

5 A You are joking; right? Lotus Notes is part

6 of IBM's product. We are not allowed to have that.

7 Q You didn't print it out? You didn't e-mail

8 it to yourself?

9 A It was e-mailed to me, but once I was

10 gone --

11 Q No. I mean, you didn't e-mail it to like a

12 personal account?

13 A No, uh-huh. We're not supposed to e-mail

14 stuff like this to personal e-mails. That's part of

15 the business conduct guidelines. You're not supposed

16 to send IBM confidential, which that says right there

17 on the top, to personal e-mail addresses, you know,

18 and they track it. They do watch it, so if I did

19 that, I would have got in trouble.

20 Q There were employees who did that, though;

21 right?

22 A You can send them to other employees, yes,

23 within IBM, but you can't send it to outside mail.

24 Q Are you aware of any employee sending IBM

25 confidential material to their personal e-mail



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1 accounts?

2 A No.

3 Q But the bottom line is, though, you did not  
4 -- this e-mail that we referred to that Juanlyn sent  
5 you, you didn't print it out and retain it?

6 A No.

7 Q And you didn't e-mail it to a personal  
8 account?

9 A No.

10 Q And you no longer have it?

11 A No longer have it. And either Juanlyn sent  
12 that or it came from the senior. A lot of stuff that  
13 she would actually send out to the group that came  
14 from her, like she would type up an e-mail, send it to  
15 her, and say, make sure the team gets this.

16 Q Did you disagree with what it says here in  
17 the optional comments section?

18 A Somewhat.

19 Q What did you disagree with?

20 A Well, the sales lead errors were actually  
21 not sales lead errors. They were genuine sales leads,  
22 but the sales reps themselves would send a note back  
23 to the manager stating that these were not leads.  
24 Just because the customer decided to fold their hands  
25 up and said, I'm not going to buy a support contract;

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1 forget it. And those were -- some of those were sent  
2 in that capacity to the management, and that's where  
3 she documented saying these PMRs were sales lead  
4 errors, you know. It's not my fault, and the other  
5 part of where I was saying that they scrubbed reports,  
6 they take these sales leads and scrub these errors out  
7 of the report to make it look 100 percent efficient  
8 when actually they were bogus.

9 Q I'm not sure I understood what you -- what  
10 you just said.

11 A Meaning?

12 Q What is a sales lead error?

13 A A sales lead error is if I took a customer  
14 from the phone that was sent to me, I couldn't find a  
15 support contract, and I took them over to sales. For  
16 a while they were using a different tool that we were  
17 using, and they were finding support contracts. Oh,  
18 this person has a contract under this customer. Well,  
19 where did you find this?

20 We'd ask them what tool. Well, when I  
21 inquired about the tool, well, you didn't have access  
22 to that tool. Well, it still went on a report as a  
23 sales lead error. Numerous times that had happened,  
24 and it was not until the latter part of when I left,  
25 voluntarily left, that they actually had access to

1 that tool.

2 Q What are better leads?

3 A Basically, error-free leads. That's  
4 basically it. Better leads? There's really no better  
5 lead. It's a sales lead one way or the other. It's  
6 just, they had access to tools that we didn't, and  
7 what they mean is not having one come back as a sales  
8 error.

9 Q Well, if I look at this, though -- you  
10 know, if I looked at this, a better lead, I mean, you  
11 know, some leads are better than others; right?

12 A No.

13 Q I mean, there are some people who might be  
14 interested in a contract. There are some people who  
15 really aren't interested in a contract?

16 A That doesn't apply to this.

17 Q You didn't have any responsibilities for  
18 evaluating the lead?

19 A We were supposed to use all the tools that  
20 we had to research to find a support contract. If we  
21 found no support contract, they were immediately  
22 transferred over to a sales rep.

23 Q So it was a -- it was an automatic? If  
24 they didn't have a contract, they went --

25 A Yeah.

1 Q -- to sales?

2 A And even if -- even if they didn't have a  
3 support contract, it may not have turned into an  
4 actual sales because they just got upset and said,  
5 forget it and hung up on them. But for a while some  
6 of those reps were saying those were sales lead errors  
7 because no sale came about it.

8 They had to revamp that. They had to  
9 have that rep who was doing our processes, get in  
10 touch with the salespeople and try to come to a common  
11 frame of mind, and the errors were, they found support  
12 under customer numbers that we had no access to tools  
13 to until after it was too late. We've already  
14 transferred them over. It's too late now.

15 Q What is -- do you know what this means  
16 where it says, "Quality submissions of CMT tracking"?

17 A CMT, remember I was explaining to you about  
18 writing the front-end people up for bringing stuff?  
19 What she was explaining was is, I'm very detailed, as  
20 you can pretty much tell from talking to me. I put  
21 every little detail into these CMTs. Well, numerous  
22 times she said, take the drama out or, don't be so  
23 detailed about it.

24 But every time I submitted one, this --  
25 these reps would always come back to us and say, no, I

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1 didn't. And their manager would say the CMT was  
2 unowned, which comes back negative to me, as being the  
3 one that submitted it.

4 Q Unowned?

5 A Yes. You either own it, meaning that you  
6 agree you made the mistake, or unowned, and 90 percent  
7 of them say, oh, no, I don't -- I didn't do that, and  
8 their manager would take their word for it.

9 Q So if there was more detail in the CMT, it  
10 was less likely to be unowned?

11 A Yes. If it was more detailed, it gave them  
12 fuel -- just like an attorney: You're looking for  
13 every little thing that you can find to trip them up.  
14 They did the same thing on their team. Their manager  
15 would find -- take and pick out every little line.  
16 Well, no, this rep didn't do -- oh, no. And this  
17 rep -- well, this is unowned.

18 And for a while one of their seniors was  
19 just -- anytime they ever saw my name, she said  
20 unowned, unowned, unowned, unowned, and when I went  
21 and reviewed it one year and brought it back to my  
22 manager, 50 percent of them were owned. And then she  
23 had to go back and chastise that manager or that  
24 senior for not doing her job.

25 Q Is that Juanlyn you were talking about?

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1 A My manager -- I showed her documented proof  
2 that this rep did own this situation and that the  
3 senior was just going through and saw my name and  
4 said, unowned, unowned, unowned. Never read it.

5 Q But was your manager at that time  
6 Juanlyn --

7 A Yes, it was Juanlyn.

8 Q -- or was it somebody else? Did -- well,  
9 did you disagree, then, with the part of the optional  
10 comments about quality submissions of CMT tracking?

11 A Yes, I disagreed with that.

12 Q What else did you disagree with on this  
13 optional comments?

14 A Sales lead errors. Pretty much everything  
15 it says there in the optional comments. That better  
16 training overall should have been submitted in the  
17 beginning and as time to absorb it, not give us two or  
18 three days. Errors are going to be made. We're not  
19 perfect robots. We can't do everything 100 percent  
20 accurate.

21 If we took the time to go back over all  
22 of our work, we would not get any of the work done,  
23 because to go back for the first call that I got and  
24 research it tooth and nail, I'd be there for two  
25 hours, you know. Can't do that. Can't be in an AUX

1 code or something trying to do this research,  
2 double-checking the stuff.

3 There is not enough time to go back and  
4 do our work. Even if we went back the next day, we're  
5 -- we're inbound call takers. We get calls coming in,  
6 so we can't sit there and be off the phones  
7 researching the previous work the day before. That's  
8 what those four other individuals were doing.

9 Q That -- the 25 to 30 PRMs per day --

10 A PMR.

11 Q PMRs per day, that's how many calls you  
12 were supposed to take a day?

13 A No. Those were problem management records  
14 we were supposed to research, which whittled down to a  
15 lot less than that towards the end.

16 Q Was there an expectation on how many calls  
17 you'd field in a day?

18 A No. Not for the -- not for software  
19 entitlement. It was for the front end.

20 Q Front end?

21 A But not for software entitlement.

22 Q Was there expectations when you were in  
23 entitlement for how long calls should last?

24 A In entitlement?

25 Q Yes.

1 A No. But Juanlyn made it clear that if you  
2 were on the phone for an hour, she would chastise you  
3 for it.

4 Q So there was no official?

5 A No official.

6 Q But there was a Juanlyn rule?

7 A Yes.

8 Q And you just slapped your wrist --

9 A Yes.

10 Q -- for the record?

11 A It's from the call center, you know. That  
12 -- because you're not supposed to be on the call with  
13 a customer for ten minutes.

14 Q Were there other, I guess, Juanlyn rules  
15 you would call them that were not official rules that  
16 you can think of?

17 A Not off the top of my head, no, or none  
18 that I can remember.

19 Q But there probably were others?

20 A You know, little stuff that, you know, over  
21 the head, let it go, forget it. You know, stupid  
22 little stuff, like you could only have one coffee pot  
23 per cubicle. I mean, per -- per cubicle area. That  
24 if not, they had to go and collect coffee pots up and  
25 disconnect them.

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1 In other words, for each section there  
 2 was only one coffee pot allowed in the blocked area,  
 3 so in some cases she did away with having one in each  
 4 one. There was only one coffee pot, and if you wanted  
 5 coffee, you had to contribute to whoever was buying  
 6 it. You had to give them money to go buy supplies,  
 7 and everybody came to that coffee pot.  
 8 Q The Juanlyn rules, huh?  
 9 A Well, actually that was the building rules.  
 10 Q Oh, that was a building rule?  
 11 A That was management from the building, not  
 12 an IBM policy.  
 13 Q Okay.  
 14 A That was dictated by the owner of the  
 15 building. He said, you can only have one coffee pot  
 16 per floor as they stated.  
 17 Q Was IBM the owner of the building, or this  
 18 was the actual company that owned it?  
 19 A Riveredge. Riveredge was actually a rented  
 20 establishment. Everything is actually built for IBM  
 21 for every floor that they control, and there's three  
 22 or four floors that they did have.  
 23 Q What -- do you know what the reason for the  
 24 coffee pot rule was?  
 25 A Yeah. If you plugged in too many coffee

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1 pots, it pulled too much power, which causes circuit  
 2 breaker to go off and lose -- loss of power, or it  
 3 could cause a fire.  
 4 Q Well, we'll bring in all the coffee you  
 5 want, and I think I'm going to get another cup.  
 6 THE VIDEOGRAPHER: Off video.  
 7 (Thereupon, a recess was taken.)  
 8 THE VIDEOGRAPHER: On video.  
 9 MR. ROSSMAN: What number are we up to?  
 10 THE REPORTER: Five.  
 11 (Thereupon, marked for identification,  
 12 Defendant's Exhibit D5.)  
 13 THE WITNESS: Thank you.  
 14 BY MR. ROSSMAN:  
 15 Q Now, I just handed you a document that's  
 16 been marked Exhibit 5. It's -- well, the portion I'm  
 17 interested in is the e-mail from Juanlyn to you dated  
 18 November 8, 2005. Do you know what -- what -- does  
 19 this -- have you seen this before?  
 20 A Yeah.  
 21 Q Does it have any meaning to you?  
 22 A No.  
 23 Q No?  
 24 A No. It -- it -- this is where I was  
 25 telling you that she's looking at all the negatives,

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1 which she mean by the socializing on the floor. I'm  
 2 at my desk with my headset on standing up, and other  
 3 people from other cubicles are talking back and forth  
 4 between calls and between work. It's downtime, but  
 5 she comes along. She's not there. She doesn't know  
 6 what's going on. She immediately says, you know,  
 7 you're socializing or you're not executing, you're not  
 8 staying focused. That was her big thing. Oh, you're  
 9 not focused. It's like, why am I not focused? Just  
 10 because somebody asked me a question about computers.  
 11 Q Right.  
 12 A And believe it or not, for a while I was  
 13 the go-to guy to ask which stock to buy in our 401(k),  
 14 where we need to move the money to, and I had  
 15 everybody move it out of the real estate at the last  
 16 minute when everything went south, you know. And this  
 17 is back in 2005, so this is when she first gets there.  
 18 She doesn't even know what we're doing.  
 19 Q So this is an example, I guess, then, of  
 20 her singling you out from --  
 21 A Bingo. And the other person, which  
 22 probably she didn't give you that, didn't send you the  
 23 one of the other person that was talking to me because  
 24 that was one of her favorites. Didn't say nothing to  
 25 her. Let her get away with it.

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1 MR. ROSSMAN: Mark that one for me, please.  
 2 (Thereupon, marked for identification,  
 3 Defendant's Exhibit D6.)  
 4 THE WITNESS: Thank you.  
 5 BY MR. ROSSMAN:  
 6 Q Okay. We marked Exhibit 6. This is  
 7 another --  
 8 A This is where I forgot to -- to code my  
 9 lunch, meaning that I got so busy doing my work that I  
 10 forgot to code the lunch, which means I still took the  
 11 time. It's just not documented on the phone, plain  
 12 and simple.  
 13 Q Did you -- you normally coded your lunch  
 14 correctly?  
 15 A Yes. On the phones, yes. It was just one  
 16 of those times I got hurried.  
 17 Q Why did you feel that you needed to send  
 18 her this e-mail that we marked Exhibit 6?  
 19 A Because it was going to show up on a report  
 20 and I was going to get my hand slapped for it, so I  
 21 went ahead and headed it off by sending the e-mail.  
 22 Q And did you think again this would have  
 23 been another requirement that she placed on you that  
 24 she didn't place on other employees?  
 25 A No. She required everybody code their

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1 lunches regardless of whether it was a favorite or  
2 not. It was just a simple mistake, and it's happened  
3 to everybody in the call center.

4 Q Well, was it your sense she would be more  
5 likely to let somebody else slide on forgetting the  
6 code lunch than she would you?

7 A Well, I never got -- I never got an e-mail  
8 reply back from her saying either way. She said, just  
9 make sure you log your lunches.

10 Q Well, let's talk about this. There were --  
11 there were different AUX codes, I guess?

12 A Oh, yes.

13 Q A-U-X?

14 A A-U-X.

15 Q And what were the different AUX codes, as  
16 far as you recall?

17 A I -- that would be too hard. There were --  
18 there are eight different AUX codes. One was for  
19 lunch. One was unscheduled break. One was for  
20 regular break. One was for off-shift work, where we  
21 had to do work, but you had to go in this AUX code so  
22 you wouldn't get any inbound calls. The other one was  
23 an administrative.

24 The other -- another one was one-on-one,  
25 and the other one was the manager would ask you to go

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1 into AUX such-and-such, and you would have a  
2 one-on-one with a manager versus just a regular  
3 one-on-one with, say, a senior.

4 Q So if you were in an AUX code, you would  
5 not be getting inbound calls?

6 A Correct.

7 Q And I don't know if Exhibit 6 shows this or  
8 not, but was it important or a requirement for you to  
9 be in the correct AUX code, depending on what you were  
10 doing?

11 A Yes.

12 Q And if you were -- was -- were you in an  
13 AUX code if you were receiving calls and you were  
14 just -- what --

15 A No. You were not in an AUX code. You were  
16 in what they call avail -- available. There were  
17 three different buttons. There was an after call work  
18 button, there was an avail button, and then there was  
19 your logoff. Means you hit that, you hear -- excuse  
20 me. You'd hear three beeps: Beep, beep, beep.  
21 Disconnected. You're logged out.

22 Q Was -- the after call work button, that was  
23 separate from these AUX codes?

24 A Yes. After call work usually automatically  
25 went to after call work the second you hung up with

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1 the customer. It -- that gave us a time to make any  
2 type notation on a PMR or an additional research, and  
3 sometimes with us we were given a little bit more  
4 leeway time because sometimes we used the after call  
5 work to do some research for the customer's behalf.

6 Maybe they were going to fax us something over. Even  
7 though they've hung up, we're in after call work.  
8 We're making documentations. We're waiting for either  
9 an e-mail or a fax to be sent to us.

10 Q Okay. So this -- you may have just  
11 answered this, but what types of -- most of your  
12 research would be during the call itself?

13 A We would try to do as much research on the  
14 phone with the customer because we can ask questions  
15 like, do you have another customer number, or do you  
16 have a business partner customer number? Did your  
17 company just change names? You know, do you have  
18 something more to provide while they're there. We  
19 make little notations, you know. Okay. Well, they  
20 said their company just changed; so let's try this old  
21 name. And then chances are, we check that name, we  
22 might find a support contract, call them back, or move  
23 the PMR over to the technical people with a note to  
24 call the customer back because they have support under  
25 this customer number.

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1 Q What kind of research would you be doing  
2 when you are in after call work?

3 A Research for the support contracts. That's  
4 it.

5 Q But why would -- why would you not have  
6 been able to do that research during the call itself?

7 A Because we have so many tools to go  
8 through. It's impossible to do it. You may be really  
9 good and you might luck up on it real quickly with the  
10 customer still on the phone, but in cases where  
11 they're in denial of themselves and say, oh, I have  
12 support, but yet you've checked their name, you've  
13 checked every customer number they have. They don't  
14 have it, you know, and then I said, well, can you  
15 prove it?

16 And they say, yeah.

17 Well, here's my fax number. Fax over a  
18 copy of what you got, and we'll get you set up.

19 Q What -- were there limits on the amount of  
20 time you could spend in after call work? When you  
21 were in entitlement?

22 A They frowned on you being on after call  
23 work for like 30, 40 minutes.

24 Q Per shift?

25 A No. Per day.